

DECLARATORY RESOLUTION

No. 736 - 1942

For the vacation of the first alley north of Swinney Avenue from a point sixteen (16) ft. E. of the W. property line of Lot No. (32) Edsall's Addition to a point (16) ft. E. of the W. property line of Lot No. (30) Edsall's Addition; also for the vacation of alley, as opened under Declaratory Resolution No. 726, which is over the west (16) ft. of Lot No. (32) Edsall's Addition; also for the opening of an alley (16) ft. in width on the W. (16) ft. of Lot No. (30) Edsall's Add. from the N. line of Swinney Avenue to the S. line of the first alley N. of Swinney Avenue.

Resolution Adopted: Jan. 15, 1942

Advertised: Jan. 17-24, 1942

Hearing: Thurs. Feb. 5, 1942, 7:30 PM

Confirmed: " " " " " "

Assessm. Roll Ord. Feb. 5, 1942 " "

Assessm. Roll Approved: 2/10/42
10 A.M.

Notices served: Thurs. Feb. 12, 1942

Assessm. Roll Confirmed: Thurs. Feb.
26th, 1942, 7:30 P.M.

DECLARATORY RESOLUTION NO. 736-1942.

For the vacation of the first alley north of Swinney Avenue from a point sixteen (16) feet east of the west property line of Lot Number Thirty-two (32) Edsall's Addition to a point sixteen (16) feet east of the west property line of Lot Number Thirty (30) Edsall's Addition; also for the vacation of alley, as opened under Declaratory Resolution No. 726, which is over the west sixteen (16) feet of Lot Number Thirty-two (32) Edsall's Addition; also for the opening of an alley sixteen (16) feet in width on the west sixteen (16) feet of Lot Number Thirty (30) Edsall's Addition from the north line of Swinney Avenue to the south line of the first alley north of Swinney Avenue.

Resolved by the Board of Public Works of the City of Fort Wayne, Indiana, that it is deemed necessary to vacate the first alley north of Swinney Avenue from a point sixteen (16) feet east of the west property line of Lot Number Thirty-two (32) Edsall's Addition to a point sixteen (16) feet east of the west property line of Lot Number Thirty (30) Edsall's Addition; also to vacate the alley, as opened under Declaratory Resolution No. 726, which is over the west sixteen (16) feet of Lot Number Thirty-two (32) Edsall's Addition; also to open an alley sixteen (16) feet in width on the west sixteen (16) feet of Lot Number Thirty (30) Edsall's Addition from the north line of Swinney Avenue to the south line of the first alley north of Swinney Avenue.

All as shown by a plan of such proposed alley vacations and alley opening as above described now on file in the office of the Department of Public Works of said City.

The cost of said vacations and opening as above described shall be assessed against the property beneficially affected thereby.

The property which may be injuriously or beneficially affected by the proposed alley vacations and alley opening as above described is described as all lots and lands lying north of Swinney Avenue; east of College Street; south of vacated Wall Street and west of Broadway.

The vacation of the first alley north of Swinney Avenue as above described shall be subject to the right of the City of Fort Wayne, Indiana, and other Public Utilities to maintain and repair sewers, drains, water pipes, gas pipes, telephone lines and conduits and electric installations situated upon, over and under said vacated alley.

All according to the method and manner provided for in an act of the General Assembly of the State of Indiana, entitled, "An Act Concerning Municipal Corporations," approved March 6, 1905, and the provisions of all acts amendatory thereto and supplemental thereof, including the right to bond assessments as in said law ordered.

Assessments if deferred are to be paid in ten equal annual installments with interest at the rate of five (5) per centum per annum. Under no circumstances shall the City of Fort Wayne, Indiana, be or be held responsible for any sum or sums due from said property owner or owners for said condemnation of property or for the payment of any bond or bonds, certificate or certificates issued in payment for such property damages except for such moneys as shall have been actually received by the City from the assessments for such property damages or such moneys as said City is by said above entitled act required to pay. All proceedings had in the making of said improvement, assessment of property, collection of assessments and issuance of bonds therefor, shall be as provided for in said above entitled act and all amendments thereto and supplements thereof.

All of said lots affected by the above described alley vacations and alley opening being situated within the corporate limits of the City of Fort Wayne, Allen County, Indiana.

Adopted this 15th day of January, 1942.

Attest:

Chas. F. Huss

Secretary.

Robert J. Beams

J. H. Johnson
Board of Public Works.

To the Board of Public Works of the City of Fort Wayne:

Gentlemen:

The undersigned petitioner, General Electric Company, represents that your petitioner owns and occupies all the real estate abutting on the north side of the first alley north of Swinney Avenue extending east from College Street to a point 16 feet east of the west line of Lot 32, Edsall's Addition to the City of Fort Wayne; that it owns and occupies Lots 30 and 31, Edsall's Addition which abut said alley on the south, said Lot 31 abutting on the west the 16 foot north and south alley opened in Lot 32, Edsall's Addition by your Declaratory Resolution No. 726-1940; that your petitioner owns and occupies all the property on Swinney Avenue from the east line of said north and south alley to Broadway Street.

Your petitioner would show that it desires to add improvements to said Lots 30 and 31, Edsall's Addition which will be exposed to said east and west alley and which will prevent your petitioner from providing, in the present emergency, adequate and necessary protection for the new building and contents to prevent sabotage and damage to it as well as to the other buildings of your petitioner on said alleys.

Your petitioner further represents that if the portion of said east and west alley from its eastern end, to wit: 16 feet east of the west line of Lot 32, Edsall's Addition, west to a point 16 feet east of the west line of Lot 30, Edsall's Addition, is vacated and the 16 foot north and south alley as heretofore opened in Lot 32, Edsall's Addition is vacated and an alley 16 feet wide is opened on the west 16 feet of Lot 30, Edsall's Addition and extending south from said east and west alley to Swinney Avenue your petitioner will be enabled to give the required protection to its said buildings by fencing; that the public will not be denied the use of the remainder of said east and west alley but will have free use of it and free access to it at either end; that traffic in said alley will enter or leave it on Swinney Avenue as it has been doing in the present north and south alley.

Your petitioner further represents that it will open and pave the new alley at its own expense.

WHEREFORE, your petitioner prays that the first east and west alley north of Swinney Avenue be vacated from its east end, to wit: 16 feet east of the west line of Lot 32, Edsall's Addition, to a point 16 feet east of the west property line of Lot 30, Edsall's Addition, and

Also the north and south alley as opened in the west 16 feet of said Lot 32, Edsall's Addition be vacated.

Your petitioner further prays that an alley 16 feet in width be opened on the west 16 feet of Lot 30, Edsall's Addition from Swinney Avenue to said east and west alley with proper reservations for access to all utility installations, such as sewers, drains, water pipes, gas pipes and electric installations maintained upon, over and under said vacated alleys or portions thereof for the purpose of maintaining and repairing the same.

All of which is respectfully submitted.

GENERAL ELECTRIC COMPANY

BY


Works Manager



OFFICE OF
BOARD OF PUBLIC WORKS

February 17, 1942

FORT WAYNE, INDIANA

Mr. E. M. Hulso
Attorney
903 Standard Building
City

Dear Sir:

Attached hereto are invoices for the advertising of Board of Public Works Resolution No. 756, which provides for the opening and closing of certain alleys, as described therein.

Kindly bring receipts for the payment of the attached invoices to the hearing on the confirmation of the assessment roll of benefits and damages, which will be held on February 26, 1942 at 7:30 P.M.

Yours truly,

BOARD OF PUBLIC WORKS

BY

Robert G. Booms
Chairman

RGB/HLS



OFFICE OF
BOARD OF PUBLIC WORKS

January 13, 1942

FORT WAYNE, INDIANA

Mr. Chauncey R. McAnlis
City Engineer
City of Fort Wayne, Indiana

Dec. Res. 736

Dear Sir:

You are hereby instructed to prepare plans for the vacation of the first east and west alley north of Swinney Avenue from its east end, to-wit: 16 feet east of the west line of Lot 32, Edsall's Addition, to a point 16 feet east of the west property line of Lot 30, Edsall's Addition; also for the vacation of the north and south alley as opened in the west 16 feet of said Lot 32, Edsall's Addition; also for the opening of an alley 16 feet in width on the west 16 feet of Lot 30, Edsall's Addition from Swinney Avenue to said east and west alley with proper reservations for access to all utility installations maintained upon, over and under said vacated alleys or portions thereof for the purpose of maintaining and repairing the same.

ATTEST:

C. F. Huss
SECRETARY

David Lewis
J. H. Johnson
BOARD OF PUBLIC WORKS

CFH:HS



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